

MELANIE A. HILL  
Nevada Bar No. 8796  
**MELANIE HILL LAW PLLC**  
1925 Village Center Circle, Suite 150  
Las Vegas, Nevada 89134  
Tel: (702) 362-8500  
Fax: (702) 362-8505  
Melanie@MelanieHillLaw.com  
*Attorneys for Plaintiffs Ernesto Manuel  
Gonzalez, Cesar Vaquera Morales, Diego  
Chavez Garcia, and Bradley Campos*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ERNESTO MANUEL GONZALEZ, et. al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et. al.,

Defendants.

CASE NO.: 2:22-cv-00328-JCM-EJY

**STIPULATION TO EXTEND  
DEADLINES TO RESPOND TO USA AND  
KARPEL'S MOTIONS TO DISMISS [ECF  
NOS. 13 AND 14]**

**(SEVENTH REQUEST)**

NOW COME the Plaintiffs, ERNESTO MANUEL GONZALEZ ("GONZALEZ"), JAMES PATRICK GILLESPIE ("GILLESPIE"), CESAR VAQUERA MORALES ("MORALES"), DIEGO CHAVEZ GARCIA ("GARCIA"), and BRADLEY CAMPOS ("CAMPOS") (collectively referred to herein as "Plaintiffs"), by and through their attorneys, Melanie A. Hill and Melanie Hill Law PLLC, and Defendants, UNITED STATES OF AMERICA and DAVID N. KARPEL, by and through their attorney, Jacob Bennett, who hereby stipulate that the deadlines for Plaintiffs to respond to



1 Defendant USA and Karpel's Motions to Dismiss [ECF Nos. 13 and 14] and Defendant USA and  
 2 Karpel's deadlines to reply be extended pursuant to Local Rule IA 6-1.<sup>1</sup>

3 This is the seventh request for an extension of the deadlines. The first request was by  
 4 stipulation to extend the deadlines to allow the USA and Karpel's deadlines to be aligned. The  
 5 subsequent requests were by stipulation and motion to extend the deadlines to allow Plaintiffs to file  
 6 a motion to be added to the Protective Order in the underlying criminal case and the Court to rule on  
 7 that motion. In support of this Stipulation and Request, the parties state as follows:

8 1. Defendant USA and Karpel filed their Motions to Dismiss on September 12, 2022  
 9 [ECF Nos. 13 and 14].

10 2. The parties recently stipulated to extend Plaintiffs' deadline to oppose the Motions  
 11 to Dismiss to March 29, 2023 to allow counsel for Plaintiffs to evaluate the claims against individual  
 12 defendant David N. Karpel who filed a Motion to Dismiss the claims against him individually under  
 13 *Bivens* with a further agreement that if the claims against Defendant Karpel were dismissed, counsel  
 14 for Plaintiffs would have an additional two months to amend Plaintiffs' complaint and/or oppose the  
 15 United States' Motion to Dismiss [ECF No. 13] after obtaining and reviewing the previously  
 16 protected discovery in an organized format from the Trial Group 1 defendants.

17 3. The parties also previously stipulated to extend the response deadlines to allow  
 18 counsel for Plaintiffs to file a motion to be added to the Protective Order in place in the underlying  
 19 criminal case so that Plaintiffs could share the criminal discovery with Plaintiffs' counsel. The  
 20 discovery is necessary to further plead the complaint in this case in response to arguments made in  
 21 the currently pending Motion to Dismiss filed by Defendant United States of America.

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22 <sup>1</sup> After the filing of the Complaint, Plaintiff James Gillespie passed away. Undersigned Plaintiffs' counsel is in the  
 23 process of getting an administrator appointed over Mr. Gillespie's estate so that the administrator of his estate can be  
 24 substituted into this case on his behalf. After the administrator of Mr. Gillespie's estate is substituted into this case,  
 25 further pleadings can be filed on behalf of Mr. Gillespie. On March 30, 2023, a Notice of Voluntary Dismissal of  
 26 Defendant David N. Karpel was filed on behalf of Plaintiffs Ernesto Manuel Gonzalez, Cesar Vaquera Morales, Diego  
 27 Chavez Garcia, and Bradley Campos [ECF No. 28]. Mr. Karpel was terminated from the case in response to the Notice  
 28 of Voluntary Dismissal on March 30, 2023. It is therefore not necessary to request an extension to file a response to Mr.  
 Karpel's Motion to Dismiss [ECF No. 14] on behalf of the dismissing Plaintiffs because Mr. Karpel has been terminated  
 from the case due to the voluntary dismissal and Mr. Karpel's Motion to Dismiss should therefore be denied as moot as  
 to all Plaintiffs **except Plaintiff James Patrick Gillespie**. Due to his death, Mr. Gillespie was not included in the Notice  
 of Voluntary Dismissal and Mr. Gillespie's counsel is requesting an extension of the deadline to respond to Mr. Karpel's  
 Motion to Dismiss [ECF No. 14] on his behalf to have additional time to substitute the administrator of Mr. Gillespie's  
 estate in his place in this case.



1           4.       Prior to filing the prior stipulations and the motion, counsel for Plaintiffs also  
2 conferred with the local U.S. Attorneys' office regarding the same. Counsel determined that a motion  
3 would be necessary to allow counsel for Plaintiffs to be added to the Protective Order in the  
4 underlying criminal case so that discovery may be reviewed by counsel for Plaintiffs and used to  
5 further plead the complaint in this case.

6           5.       On November 18, 2022, Plaintiffs' counsel filed a Motion to Be Added to the  
7 Protective Order [ECF No. 17] in this case. The Motion was denied by Magistrate Judge Youchah  
8 without prejudice by Minute Order on November 21, 2022 [ECF No. 20] directing Plaintiffs' counsel  
9 to file the motion in the underlying criminal case.

10          6.       The parties further conferred on Plaintiffs' counsel's filing of the Motion to Be  
11 Added to the Protective Order in the underlying criminal case, case number 2:16-cr-00265-GMN-  
12 NJK.

13          7.       On January 25, 2023, Plaintiffs' counsel filed the Motion to Be Added to the  
14 Protective Order in the criminal case [ECF No. 2296 in 2:16-cr-00265-GMN-NJK].

15          8.       On January 31, 2023, Magistrate Judge Koppe ordered the United States to file a  
16 response indicating its position on Defendants' motion no later than February 6, 2023 [ECF No. 2297  
17 in 2:16-cr-00265-GMN-NJK].

18          9.       On February 2, 2023, the United States filed its response indicating that it did not  
19 oppose the Motion [ECF No. 2298 in 2:16-cr-00265-GMN-NJK].

20          10.       On February 2, 2023, Magistrate Judge Koppe granted Plaintiffs' counsel's Motion  
21 to Be Added to the Protective Order in the criminal case [ECF No. 2299 in 2:16-cr-00265-GMN-NJK].

22          11.       Since the entry of the Order Adding Plaintiffs' Counsel to the Protective Order,  
23 Plaintiffs' counsel has been attempting to get all of the underlying criminal discovery in an organized  
24 fashion from the Trial Group 1 defendants through their prior counsel and is still awaiting receipt of  
25 the discovery.

26          12.       Since the entry of the Order, Plaintiffs' counsel was also preparing for and in trial in  
27 a civil case that started on February 27, 2023 that was anticipated to last six to seven weeks. The case  
28 settled during trial.



1           13.       On March 30, 2023, all Plaintiffs except Plaintiff James Gillespie filed a Notice of  
2 Voluntary Dismissal of Defendant David N. Karpel [ECF No. 28]. Mr. Karpel was terminated from  
3 the case in response to the Notice of Voluntary Dismissal on March 30, 2023. It is therefore not  
4 necessary to request an extension to file a response to Mr. Karpel's Motion to Dismiss [ECF No. 14]  
5 on behalf of the dismissing Plaintiffs because Mr. Karpel has been terminated from the case due to the  
6 voluntary dismissal and Mr. Karpel's Motion to Dismiss should therefore be denied as moot as to all  
7 Plaintiffs **except Plaintiff James Patrick Gillespie**. Due to his death, Plaintiff Gillespie was not  
8 included in the Notice of Voluntary Dismissal, and Mr. Gillespie's counsel is requesting an extension  
9 of the deadline to respond to Mr. Karpel's Motion to Dismiss [ECF No. 14] on his behalf to have  
10 additional time to substitute the administrator of Mr. Gillespie's estate in his place in this case so that  
11 further pleadings can be filed on behalf of Mr. Gillespie.

12           14.       To allow time for Plaintiffs' counsel to obtain and review the underlying criminal  
13 discovery for purposes of prosecuting this civil case and further responding to the pending Motions to  
14 Dismiss [ECF Nos. 13 and 14] and/or filing an Amended Complaint in light of the delay in getting the  
15 discovery and her trial preparation, the parties have stipulated to extend Plaintiffs' response deadline  
16 to the USA's Motion to Dismiss [ECF No. 13] and Plaintiff Gillespie's time to respond to David  
17 Karpel's motion [ECF No. 14] to June 5, 2023. The parties have further stipulated to allow Defendant  
18 USA until July 12, 2023 to file its response to Plaintiffs' filings.

19           15.       This Request for an extension of time is not sought for any improper purpose or  
20 other purpose of delay. Rather, it is sought by the parties solely to allow sufficient time for Plaintiffs'  
21 counsel to review the underlying criminal discovery for purposes of prosecuting this civil case and  
22 further responding to the Motions to Dismiss and/or filing an Amended Complaint considering the  
23 delay in getting the discovery, Plaintiffs' counsel's recent trial preparation and trial schedule over the  
24 last few months, and the recently filed voluntary dismissal of Defendant David N. Karpel [ECF No.  
25 28] by all Plaintiffs except Plaintiff Gillespie on March 30, 2023.

26       ///

27       ///

28       ///



WHEREFORE, the parties respectfully request that the Court extend the deadlines as stipulated to herein.

DATED this 31st day of March, 2023.

DATED 31st day of March, 2023.

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

MELANIE HILL LAW PLLC

C. SALVATORE D'ALESSIO, JR.  
Director  
Torts Branch, Civil Division

/s/ Melanie A. Hill  
MELANIE A. HILL  
1925 Village Center Circle, Suite 150  
Las Vegas, NV 89134  
Telephone: (702) 362-8500  
Fax: (702) 362-8505  
Melanie@MelanieHillLaw.com  
*Attorneys for Plaintiffs Ernesto Manuel  
Gonzalez, Cesar Vaquera Morales, Diego  
Chavez Garcia, and Bradley Campos*

ANDREA W. MCCARTHY  
Acting Assistant Director  
Torts Branch, Civil Division

/s/ Jacob A Bennett  
JACOB A. BENNETT  
Trial Attorney  
Torts Branch, Civil Division  
Constitutional and Specialized Tort Litigation  
175 N. St. NE, Rm. 7.114  
Washington, D.C. 20002  
Telephone: (202) 451-7745  
Jacob.A.Bennett@usdoj.gov  
*Attorneys for Defendants the United States of  
America and David Karpel*

**IT IS SO ORDERED.**

April 5, 2023

DATE

  
UNITED STATES DISTRICT JUDGE